



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

MEMO ENDORSED

ANDREW M. CUOMO
Attorney General

(212) 416-6185

January 22, 2008

By Hand

The Honorable P. Kevin Castel
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, New York 10007

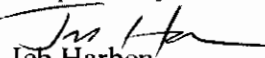
Re: Islam v. Fischer, et al., 07 Civ. 3225 (PKC) (DCF)

Dear Judge Castel:

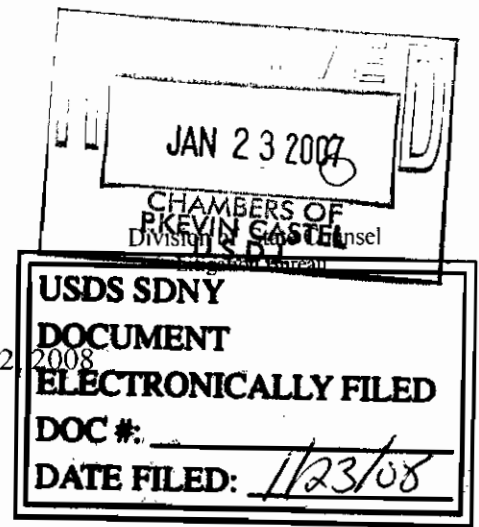
I am the Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to represent the remaining defendants herein (Connolly, Hirsch, Simmons, Petrie and Turner) defendants, all current or former New York State Department of Correctional Services ("DOCS") employees, in this action brought pursuant to 42 U.S.C. § 1983 by *pro se* former inmate Nurideen Islam. Enclosed are courtesy copies of defendant Petrie's motion to dismiss (and defendant Turner's partial motion to dismiss) and defendants' answer in light of this Court's January 9, 2008 Memorandum and Order, which were served on plaintiff and filed with the Clerk of the Court today.

In addition, defendant Connolly respectfully requests permission to move for reconsideration with respect to the portion of the Court's January 9, 2008 Order finding, for the preliminary purposes of defendant's motion to dismiss, that it was premature to determine the issue of qualified immunity and personal involvement. Specifically, the Court did not address the objective reasonableness of defendant Connolly relying on investigations by his subordinates in rendering decisions with respect to matters that defendant Connolly had no personal knowledge of. In addition, one instance of defendant Connolly purportedly acting on a grievance (grievance number 28447-06 referenced at ¶¶ 17-18 of the Complaint), which the Court referenced in its Order, did not involve defendant Connolly, which is demonstrated by the exhibits plaintiff submitted in support of his opposition to the motion to dismiss. Defendant Connolly requests that he be allowed until January 29, 2008 in which to move. Defendant Connolly's motion would normally be due January 23, 2008.

Respectfully submitted,


Jeb Harben
Assistant Attorney General

cc: Nurideen Islam



Appellate granted
SO ORDERED
[Signature]
1-23-08